

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JULIO GALARZA, VICTOR CONTRERAS,
SILVESTRE CASTILLO, GILBERTO UBILLUZ,
JOSE RAMIREZ, MIGUEL VASQUEZ, and
RODOLFO CUADROS, on behalf of themselves and all
other persons similarly situated,

Docket No.: 18-cv-01380
(ADS) (ARL)

Plaintiffs,

-against-

HYDRO ENVIRONMENTAL CONTRACTING,
CORP d/b/a ENVIRO DRILLING & CONTRACTING
INC., HYDRO TECH ENVIRONMENTAL CORP.,
HYDRO TECH ENVIRONMENTAL ENGINEERING
AND GEOLOGY, D.P.C., MOSTAFA EL SEHAMY,
MARK E. ROBBINS, TAREK Z. KHOURI,
HAKS ENGINEERS, ARCHITECTS AND LAND
SURVEYORS, D.P.C. and LANGAN ENGINEERING
AND ENVIRONMENTAL SERVICES, INC.,

Defendants.
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**STIPULATION AND [PROPOSED] ORDER REGARDING CONDITONAL
CERTIFICATION, ISSUANCE OF COLLECTIVE ACTION NOTICE AND
DISCLOSURE OF CONTACT INFORMATION**

Plaintiffs JULIO GALARZA, VICTOR CONTRERAS, SILVESTRE CASTILLO, GILBERTO UBILLUZ, JOSE RAMIREZ, MIGUEL VASQUEZ, and RODOLFO CUADROS (hereinafter "Plaintiffs") and Defendants HYDRO ENVIRONMENTAL CONTRACTING, CORP d/b/a ENVIRO DRILLING & CONTRACTING INC., HYDRO TECH ENVIRONMENTAL CORP., HYDRO TECH ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C., MOSTAFA EL SEHAMY, MARK E. ROBBINS, and TAREK Z. KHOURI (hereinafter "Defendants"), by and through their undersigned counsel, hereby stipulate and agree as follows upon the following premises:¹

WHEREAS, Plaintiffs commenced this action, bringing claims under the Fair Labor Standards Act, as a collective action and under the New York Labor Law, as a class action, in the United States District Court for the Eastern District of New York; and,

¹ Defendants Haks Engineers, Architects and Land Surveyors, D.P.C. and Langan Engineering and Environmental Services, Inc. are not a party to this stipulation.

WHEREAS, Plaintiffs allege they were employed by Defendants as field technicians for Defendants' business, and seek to represent a collective and class comprised of similarly situated workers under the Fair Labor Standards Act and New York Labor Law; and,

WHEREAS Plaintiffs filed a motion for collective action conditional certification and notice pursuant to 29 U.S.C. § 216(b) on June 14, 2018, D.E. 31;

WHEREAS, instead of expending resources litigating Plaintiffs' anticipated motion for collective action conditional certification and notice pursuant to 29 U.S.C. § 216(b), the parties, without prejudice to Defendants' rights to challenge collective action certification at a later date, have negotiated the terms of a proposed notice to be sent to members of the alleged collective ("the Notice") and the process for disseminating the Notice;

WHEREAS, the parties have reached agreement on the scope, form and manner of distribution of the Notice in this matter, subject to the Court's approval; and

NOW THEREFORE IT IS STIPULATED AND AGREED AS FOLLOWS:

1. Within fourteen (14) business days after the Court has "So Ordered" this Stipulation, Defendants shall provide to Plaintiffs' counsel the names, last known mailing addresses of all field technicians or other similarly situated employees employed by Defendants at any point in time from March 6, 2012 through the present ("Collective List" or putative collective members") for the purpose of mailing the Notice as set forth herein.

2. Within twenty-one (21) days after Plaintiffs' receipt of the names and mailing addresses noted in Paragraph 1, Plaintiffs' counsel shall mail the Notice in English and Spanish to each individual on the Collective List. Plaintiffs' counsel may re-mail notice to any putative collective member whose Notice is returned as undeliverable, with a forwarding address;

3. All names and addresses of individuals on the Collective List provided by Defendants to Plaintiffs' counsel shall remain confidential pursuant to this Court's Stipulation and Order regarding Confidential Information, D.E. 41;

4. The individuals on the Collective List shall have 60 days from the date on which the Notice is mailed (the "Opt-in Period") to return the "Consent to Join" form in the manner set forth in the Notice. Individuals whose initial Notice is returned as undeliverable and for whom a forwarding address is supplied shall have 10 additional days from the date on which a second Notice is sent to return the "Consent to Join" form to Plaintiffs' counsel. Only individuals submitting a "Consent to Join" form by the deadlines set forth herein shall be eligible to join the collective action in this matter unless Defendants consent otherwise, in writing, or Plaintiffs make an application to the Court demonstrating that good cause exists for accepting any untimely submission;

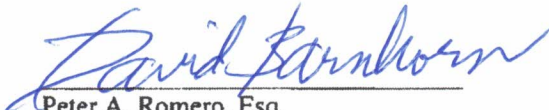
5. For individuals whose initial Notice is returned as undeliverable and for whom no forwarding address is supplied, Plaintiffs' counsel may request via e-mail, attaching proof of undeliverability, that Defendants provide Plaintiffs' counsel with that individual's telephone number. To the extent it is in their possession, Defendants agree to provide that information within one business day. This information shall be designated as "Attorneys Eyes Only." Any delay beyond one business day shall toll the 60-day time period for that individual to opt-in by an equal number of days as the delay. Plaintiffs' counsel may then call that individual for the limited purpose of obtaining a correct forwarding address.

6. During the sixty (60) day period which putative class members may opt-in to the lawsuit, Defendants shall post an English and Spanish copy of the Notice of Lawsuit in a conspicuous location.

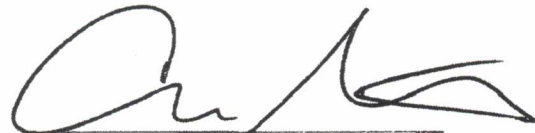
7. Within seven (7) days of receipt of a "Consent to Join" form, Plaintiffs' counsel shall electronically file such form via the Court's electronic case filing system ("ECF") on the docket in this matter.

8. Upon signature by the presiding judge and entry of this order, Plaintiffs' motion for conditional certification and notice pursuant to 29 U.S.C. § 216(b), D.E. 31, is withdrawn.

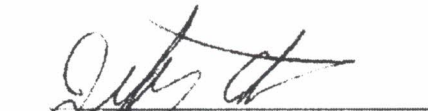
Dated: Hauppauge, New York
July 27, 2018



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SO ORDERED:

Hon. Arlene R. Lindsay, U.S.M.J.

Dated: _____, 2018